

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 010595

43

ORIGIN SCS-03

INFO OCT-01 ARA-06 ISO-00 SNM-02 L-02 SCA-01 SY-04 H-01

FBIE-00 DEAE-00 /020 R

DRAFTED BY SCA:SCS:WPCHASE:JFM

APPROVED BY SCA:LFWALENTYNOWICZ

SCA:TMRECKNAGEL (DRAFT)

S/NM:SVANCE (DRAFT)

L/SCA:EKERLEY (DRAFT)

ARA/MEX:JKEANE (DRAFT)

ARA/MGT - CGROVER

----- 055310

P 161804Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO PRIORITY

LIMITED OFFICIAL USE STATE 010595

E.O. 11652: N/A

TAGS: CASC, MX

SUBJECT: W/W: ARREST AND DETENTION; PROBLEM OF AMERICAN
PRISONERS INCARCERATED IN MEXICO CITY.

REF: MEXICO'S 186

1. DEPARTMENT COMPLIMENTS EMBASSY ON EXCELLENT REPORTING
IN RECENT MESSAGES PROVIDING GRAPHIC DESCRIPTIONS OF CURRENT
SEVERE DIFFICULTIES BEING ENCOUNTERED WHEN COPING WITH THE
VARIOUS PROBLEMS BEING CREATED BY US CITIZEN PRISONERS IN
MEXICO AND THEIR RELATIVES AND FRIENDS. WE ARE AWARE THAT
SITUATION IS BAD, AND AGREE THAT IT MAY WELL GET WORSE
BEFORE IT GETS BETTER. HOWEVER, WE BELIEVE THAT CONSIDERA-
TION NOW OF MEASURES SUCH AS THOSE SUGGESTED IN REFTEL WOULD
BE PREMATURE.

2. IN ORDER APPROACH PROBLEM WITH WIDEST POSSIBLE BASIS OF
NECESSARY INFORMATION, WE SUGGEST, AS OUTLINED BELOW, THAT
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 010595

EMBASSY (A) EMPLOY LOCAL LEGAL ADVICE, AND (B) FURTHER

STRENGTHEN ITS STANDARD CONSULAR PROTECTIVE PROCEDURES.

3. USING CURRENT AUTHORITY TO CONTRACT PERSONAL SERVICES, EMBASSY CAN OBTAIN HELP OF A LOCAL ATTORNEY FOR PURPOSES OF (A) DEVELOPING FULL DESCRIPTION OF CURRENT MEXICAN LAWS AND REGULATIONS CONCERNING RIGHTS OF ACCUSED, LEGAL PROCEDURES TO BE FOLLOWED BY PROSECUTION AND COURTS;

(B) REVIEWING AMERICAN ARREST CASES AND ADVISING EMBASSY WHETHER MEXICAN LAWS, REGULATIONS, PROCEDURES HAVE BEEN VIOLATED OR ABUSED; AND

(C) COUNSELING WHAT LEGAL APPROACHES APPEAR OFFER EMBASSY IN MEXICO OR DEPARTMENT HERE BEST MEANS OF PROTECTING RIGHTS OF PRISONERS AND NULLIFYING EFFECT OF PAST VIOLATIONS IF ANY.

4. LEGAL COUNSEL MAY ALSO HELP REVISE EMBASSY'S (A) LIST OF LAWYERS GIVEN ARRESTEES AND (B) HANDOUTS EXPLAINING LOCAL LEGAL, JUDICIAL AND PENAL PROCEDURES AND CONDITIONS WHICH ARE DISTRIBUTED TO PRISONERS AND THEIR FAMILIES. THRUST OF THESE REVISIONS WAS OUTLINED DURING RECENT CONSULAR CONFERENCE.

5. FURTHER, LEGAL COUNSEL MAY HAVE HELPFUL SUGGESTIONS RE MEANS WHEREBY ARRESTEES AND THEIR FAMILIES MIGHT BETTER PROTECT THEMSELVES FROM UNSCRUPULOUS LAWYERS: I.E. DRAFT GUIDELINES FOR PERSON SELECTING AND COMMUNICATING WITH LAWYER, IN ADDITION TO ADVISING WHAT ARE NORMAL LIMITATIONS OF SERVICES WHICH LAWYERS CAN PROVIDE. ALSO INCLUDE WHAT PRISONER CAN DO IF DISSATISFIED WITH LEGAL ASSISTANCE BEING PROVIDED.

6. CONCURRENTLY, EMBASSY SHOULD CONTINUE ITS PROGRAM AS DISCUSSED DURING CONSULAR CONFERENCE TO FURTHER ITS SUCCESS IN EXTENDING CONSULAR PROTECTION: (A) PRESS APPROPRIATE GOM AUTHORITIES BOTH INFORMALLY AND FORMALLY TO PROVIDE IMMEDIATE NOTIFICATION OF ARRESTS OF US CITIZENS AND TO ALLOW IMMEDIATE CONSULAR ACCESS; (B) REITERATE TO GOM AUTHORITIES THAT US MEXICAN CONSULAR CONVENTION ARTICLE VI PARA 3 PROVIDES US CITIZEN RIGHT "AT ALL TIMES" LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 010595

REPEAT "AT ALL TIMES" TO COMMUNICATE WITH CONOFF. (EMBASSY MAY ALSO WISH TO ADVISE US PUBLIC OF THIS PROVISION.) (C) CONSUL TO PHYSICALLY VISIT EACH ARRESTEE SOONEST AFTER ARREST OR, IF IMPRACTICAL BECAUSE OF DISTANCE, TO COMMUNICATE WITH SUBJECT TO ENSURE HE IS INFORMED CONCERNING HIS RIGHTS AND OPPORTUNITY TO OBTAIN LAWYER; (D) IN FIRST CONTACT WITH SUBJECT, DETERMINE WHETHER HE WANTS EMBASSY ASSISTANCE TO COMMUNICATE WITH ANYONE AND, MOST IMPORTANTLY,

WHETHER HE ALLEGES MISTREATMENT, (E) IN CASES INVOLVING NARCOTIC OFFENSES, ADVISE DEA OFFICES IN MEXICO CITY OF ARREST AND REQUEST ANY INFORMATION DEA MAY HAVE ON CASE WHICH MIGHT BE HELPFUL IN RESPONDING TO CONGRESSIONAL OR PUBLIC INQUIRIES, OR ANY INFORMATION OF SPECIAL VALUE TO CONSULAR OFFICER. ANY RESTRICTIONS WHICH DEA MIGHT PLACE ON USE OF SUCH INFORMATION MUST BE STRICTLY OBSERVED AND THE INDIVIDUAL CITIZEN'S RIGHT TO PRIVACY MUST BE SAFE-GUARDED, AND (F) SUBMIT TELEGRAPHIC REPORT TO DEPARTMENT ALONG LINES SUGGESTED DURING CONFERENCE AND AS IS ALREADY BEING DONE.

7. DEA REPS MUST INFORM CONSULAR OFFICERS PROMPTLY UPON LEARNING OF ANY US CITIZEN BEING ARRESTED AND OF ANY MISTREATMENT OF US CITIZEN ARRESTEES.

8. CONSULAR PROTECTION MUST REPEAT MUST ALSO INCLUDE MONTHLY OR MORE FREQUENT CONSULAR VISITS TO PRISONS WHERE US CITIZENS ARE BEING HELD IN ORDER TO AFFORD THE CITIZEN THE OPPORTUNITY TO COMMUNICATE WITH EMBASSY. AS LONG AS CONSUL'S AVAILABILITY IS KNOWN TO US CITIZEN PRISONERS, IT IS NOT NECESSARY THAT CONSUL SEE EVERYONE.

9. DEPARTMENT AWARE THAT ABOVE CONSTITUTES INCREASED DRAIN ON POST'S PERSONNEL AND FINANCIAL RESOURCES. PLEASE REPORT SOONEST ESTIMATES OF WHAT THESE INCREASES CONSIST TOGETHER WITH INDICATION WHICH PARTS CAN BE MET INTERNALLY AT WHAT COSTS TO EMBASSY'S OTHER OBLIGATIONS AND MINIMUM ADDITIONAL DEPARTMENTAL HELP REQUIRED. EMBASSY IS ASSURED OF FUNDING FOR THESE INCREMENT STATUTORY REQUIREMENTS AND THEY SHOULD BE INCLUDED IN THE INCR/DECR STATEMENT REQUESTED BY STATE 4449 UNDER THE CATEGORY PARTIAL RESTORATIONS OF THE GENERAL REDUCTION. ALSO, THE SAME REQUIREMENTS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 010595

SHOULD BE INCLUDED IN THE SURVIVAL ESTIMATES REQUESTED BY STATE 8434.

10. DEPARTMENT (SCS) HAS HAD INITIAL CONTACTS WITH CONGRESSMAN STARK'S OFFICE IN FOLLOWUP OF HIS LETTER. SUMMARIES OF CONVERSATIONS ARE BEING FORWARDED TO EMBASSY. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 16 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE010595
Document Source: CORE
Document Unique ID: 00
Drafter: SCS:WPCHASE:JFM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750017-0444
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750145/aaaabnuh.tel
Line Count: 161
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SCS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 MEXICO'S 186
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 10 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 SEP 2003 by BoyleJA>; APPROVED <05 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: W/W: ARREST AND DETENTION; PROBLEM OF AMERICAN PRISONERS INCARCERATED IN MEXICO CITY.
TAGS: CASC, MX, US
To: MEXICO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006